

**Planning Commission Meeting
January 18, 2000**

The San Bruno Planning Commission held its regular meeting on Tuesday, January 18, 2000 in the City Hall Council Chambers. Chair Birt called the meeting to order at 7:00 P.M. Roll call found C. Schindler, Marshall, Tobin, Petersen present. Absent: C. Sammut (arrived at 7:15 P.M.) C. Johnson. Staff present: George D. Foscardo, Community and Economic Development Director; Steve Padovan, Associate Planner; Raffi Boloyan, Assistant Planner; Janet Aki, Recording Secretary. C. Marshall led the assemblage in the Pledge of Allegiance.

1. Approval of Minutes

M/S Schindler Marshall to approve minutes of December 7, 1999; all ayes. Absent: C. Sammut, Johnson Abstain: C. Tobin

2. Communications - None

3. Public Comment Items Not on Agenda - None

**4. 1271 Montgomery Avenue - Continued from December 7, 1999 (Tape File 397-A)
Request for a use permit to increase the incoming tonnage from 120 tons per day to a peak of 250, provide for self-haul use of the facility, and to increase the days and hours of operation at the existing San Bruno Garbage Transfer Station; per Section 12.96.150. C.1.d of the San Bruno Zoning Ordinance. Use Permit 99-36 (Public Hearing)
Environmental Determination: Negative Declaration (Public Hearing) Zoning: Industrial (M-1)**

Mr. Padovan entered staff report dated January 18, 2000 into the record. A digital photo presentation was provided.

C. Petersen commented he could foresee some misunderstanding as to who would be the responsible party to carry out some of the conditions of approval and this should be better defined. Mr. Padovan responded he would revise the conditions accordingly. C. Marshall asked about the study designating haul routes and also the completion date of two months for this study. Mr. Padovan stated he understands the study will detail the routes used once the routine pick-ups are made, i.e. San Bruno Avenue, San Mateo Avenue, Montgomery Avenue, etc. Also, the increase in tonnage is a slow process but staff wanted to get the study in place so that it doesn't get lost.

The public hearing opened. Mario Puccinelli, General Manager, San Bruno Garbage Company, stated they agree to the conditions of approval. Responding to the concern about the haul routes, different routes are used depending on where the trucks are coming from within the city. His understanding is there will be a distinction made between a normal pick-up route and a haul route.

M/S Marshall, Tobin that the San Bruno Planning Commission approve Use Permit 99-36 pursuant to the following findings of fact and conditions; passed by the following vote:

AYES: C. Marshall, Tobin, Schindler, Petersen, Birt

NOES: None

ABSTAIN: C. Sammut

ABSENT: C. Johnson

FINDINGS FOR APPROVAL

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1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, November 13, 1999, and notice mailed to property owners within 300 feet of the site on November 10, 1999.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The Use Permit to increase the incoming tonnage from 120 tons per day to a peak of 250, provide for self-haul use of the facility, and to increase the days and hours of operation at the existing San Bruno Garbage Transfer Station in the Industrial Zone District at 1271 Montgomery Avenue will not be injurious or detrimental to the property and improvements in the neighborhood or to the general welfare of the city because the use is compatible with existing uses in the area and there is adequate parking and circulation.
5. If the following conditions of approval are adhered to, the Use Permit will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, nor impair the value thereof, and is consistent with the design and scale of the neighborhood. No increase in building area is proposed.
6. An initial study and negative declaration were completed for this project and no significant impacts were identified that could not be mitigated. Traffic impacts, noise and parking issues are minimal and the expansion of the solid waste transfer facility may actually result in a reduction in the future amount of air pollutants generated. This is due to the fact that there will be an inevitable increase in solid waste due to San Bruno's growing population and commercial base. If this facility was not expanded, another transfer station would need to be developed or trucks would have to travel additional miles to dump at another location. Consolidating the operations in one location is a more efficient use of vehicles and fuel which reduces air pollution. With regard to odors and dust from the waste facility itself, the existing operations are entirely within an enclosed building which meets all air quality requirements. The added waste will be of the same consistency as the current waste flow, therefore, all existing systems to reduce or eliminate particulates and odors should be adequate and storm water concerns can be mitigated.
7. The proposed use is consistent with the general plan which allows for the storage and handling of hazardous wastes and there are similar uses in the property's vicinity.
8. The Conditions of Approval imposed on this request should adequately regulate and mitigate potential negative impacts that might be associated with this type of use.

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9. The general appearance of the facility is in keeping with the character of the industrial uses along Montgomery and San Mateo Avenues and will not be detrimental to the adjacent real property because lighting and noise impacts are minimal, landscaping is improved and the size and scale of the building are similar to other buildings in the area
10. This project conforms with the San Bruno Redevelopment Project Area Plan adopted July 1999.

CONDITIONS OF APPROVAL:

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the "Summary of Hearing" to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed the Use Permit (UP-99-36) shall not be valid for any purpose. These permits shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one year date.
2. The proposal to increase the incoming tonnage from 120 tons per day to a peak of 250, provide for self-haul use of the facility, and to increase the days and hours of operation at the existing San Bruno Garbage Transfer Station in the Industrial Zone District at 1271 Montgomery Avenue shall be operated according to the staff reports, technical reports, maps, plans, figures, written correspondence, environmental documents and the Revised Transfer/Processing Report dated August 1999 and submitted by San Bruno Garbage Company as presented to the Planning Commission on December 7, 1999 and January 18, 2000 except as required to be modified by these conditions of approval. Any modification to the approved plan shall require prior review and approval by the Director of Planning and Building.
3. The applicant shall obtain a City building permit before any interior construction can proceed.
4. All landscaping shall be automatically sprinklered and the site shall be maintained in a litter free state.
5. The applicant shall comply the all applicable BMP's for the storage and handling of solid waste. All containers stored outside the building shall be covered to prevent rain water from entering. In addition, the containers shall be stored within a containment area to prevent fluids from draining onto the pavement and flowing to the storm drain. This containment area may consist of a concrete curb with a drain to the sanitary sewer system. The applicant shall provide design proposals for this containment system.
6. Seven parking spaces shall be striped adjacent to the railroad right-of-way off Railroad Place to accommodate current and future employee vehicles.
7. All hazardous materials shall be stored within an enclosed, covered area and shall be stored within a secondary containment area.

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8. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City.
9. The San Bruno Garbage Company shall provide an employee on Saturdays to direct traffic and organize vehicles into two lanes, side by side along the west side of the building, should traffic volume require it. This will prevent back-up onto public streets. In addition, provide pavement markings and lane striping to organize vehicles entering the facility. Staff will review all signage posted outside the building. The driveway shall have entry and exit arrows painted on the road surface.
10. This permit allows for a maximum permitted daily tonnage of 250 tons. Based on information provided by the applicant, this can be accommodated using two transfer trucks on a rotating basis; one is loaded while the other makes the round trip to the landfill. At no time shall transfer trucks and trailers be parked in the street right-of-way. Transfer trucks may park along the railroad right-of-way for a short period of time but may not block Railroad Place which is a public road.
11. The applicant shall reimburse the City of South San Francisco for the added cost of reconstructing Tanforan Avenue from the centerline of Montgomery Avenue to Railroad Place to accommodate the potential increased truck traffic under post permit revision conditions. The added cost is for 0.1 feet of asphalt concrete. In addition, Railroad Place is a public right-of-way and all potholes and surface damage shall be repaired as necessary to the satisfaction of the San Bruno Public Works Department. Obtain all necessary encroachment permits prior to commencement of any work in the public right-of-way.
12. The San Bruno Public Works Department is requiring that a revised study be conducted which designates the haul routes used by the San Bruno Garbage Company (SBGC) and determines what the impacts will be to local streets. In addition, the report shall identify any improvements that need to be done to accommodate the increased truck traffic and that the SBGC pay their fair share for roadway maintenance on the truck routes. ?SBGC shall coordinate with the Public Works staff on the parameters of the study which shall include a determination on the difference between a haul route and a regular pick-up route, the types of improvements required, funding requirements and the time frame in which to complete any improvements. Said study shall be completed within two months of the approval of the Use Permit by the Planning Commission.
13. San Bruno Garbage Company shall be required to replace the sidewalk, curb and gutter at the southwest corner of Tanforan Avenue and Montgomery Avenue where damaged and to reconstruct to City standards.
14. This Use Permit shall be reviewed one year from the date of Planning Commission approval to determine if the Saturday public self-haul operations are having any significant impacts on the surrounding street system or if San Bruno Garbage Company trucks are causing damage to the street system.

15. The potholes and minor surface damage on Tanforan Avenue from the centerline of Montgomery Avenue to Railroad Place shall be repaired by San Bruno Garbage Company prior to the commencement of Saturday operations.

(C. Birt advised of the seven day appeal period).

**5. 190 El Camino Real - Continued from December 7, 1999 (Tape File 397-A)
Request for a Use Permit, Architectural Review Permit and Parking Exception to construct a three-story, 50 room hotel with one level of parking below grade and associated landscape and site improvements including a five space parking exception for providing 45 spaces where 50 are required in the General Commercial Zone District; per Sections 12.96.110.C.4, 12.100.090, 12.100.120 and Chapter 12.108 of the San Bruno Zoning Ordinance. Use Permit 99-41 Architectural Review 99-16 Parking Exception 99-09 (Public Hearing) Environmental Determination: Negative Declaration (Public Hearing) Zoning: General Commercial (C-1)**

Mr. Padovan requested a continuance to allow review of plan changes.

The public hearing opened and closed without comment.

M/S Marshall, Sammut to continue this item to February 15, 2000; all ayes. Absent: C. Johnson

**6. 900 El Camino Real - Continued from December 7, 1999 (Tape File 397-A)
Request for a Use Permit and Architectural Review Permit to allow the construction of a 120 sq.ft. drive thru coffee kiosk with associated parking, circulation and landscaping improvements on a vacant corner of an existing automotive repair facility; per Section 12.96.110 C.2 of the San Bruno Zoning Ordinance. Use Permit 99-43 Architectural Review Permit 99-17 (Public Hearing) Environmental Determination: Categorical Exemption Zoning: General Commercial (C-1)**

Mr. Padovan advised the applicant has withdrawn this request and further action is not necessary.

**7. 3831 Colby Way (Tape File 397-A)
Request for a Use Permit to allow the legalization of 567 square feet of living space on the ground floor of a single-family residence resulting in a Floor Area of 3,187 square feet (.61 Floor Area Ratio) where 2,881 square feet (.55 Floor Area Ratio) is allowed, per Sections 12.200.030.B.2 of the San Bruno Zoning Ordinance. Use Permit 99-30 (Public Hearing) Environmental Determination: Categorical Exemption Zoning: Single-Family Residential (R-1)**

Mr. Boyolan entered staff report dated January 18, 2000 into the record. A digital photo presentation was provided.

C. Birt asked about the area at the back of the garage. C. Tobin asked if this addition was originally built with structural foundation piers. Mr. Boloyan responded that a permit was issued for the second story addition with the ground floor area to remain open and for storage. He continued that this area was enclosed after the completion of the second story addition without approval. Part of the approved addition had a full retaining wall but this was not shown on the plans.

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The public hearing opened. Sukh Singh, the applicant and property owner, was present. Mr. Singh stated the enclosed areas were part of the 1995 permit. When he received a "Stop Work Notice" in 1999, he submitted plans to legalize this area.

C. Birt pointed out the Architectural Review Committee had requested revised plans be submitted showing removal of the kitchen and related appurtenances. Mr. Singh said he did not draw revised plans since it was expensive and the designer was out of town. C. Schindler said the 1995 plans did not show a bath and kitchen downstairs and closing part of the garage. Mr. Singh stated the bath and kitchen in the garage area was there when he purchased the property in 1979. He put the walls in the back reducing the size of the garage. Mr. Boloyan said the process to legalize a second unit, i.e. proof that it existed prior to June 30, 1977, was explained to Mr. Singh, however, he could not provide this information. If approved at this meeting, it would mean approving the area as living space but requiring the removal of the kitchen.

C. Petersen asked if the garage would be restored to its original condition. Mr. Singh responded he plans to restore the area to garage but would like to save the walls in the back. Also, there is a tenant who is paying rent.

The hearing closed without objection.

C. Petersen commented the wall in the garage should be removed. If Mr. Singh cannot demonstrate the unit is legal, the city should take action. The plans submitted do not reflect what exists. Mr. Boloyan clarified the plans do have some of the components showing removal of the second unit but do not show removal of the cabinets and accessories.

M/S C. Tobin, Schindler that the Planning Commission deny, without prejudice, Use Permit 99-30 allowing the applicant thirty (30) days in which to reapply; passed by the following vote:

AYES: C. Tobin, Schindler, Marshall, Petersen, Sammut, Birt

NOES: None

ABSENT: C. Johnson

FINDINGS OF FACT FOR DENIAL

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, January 1, 2000, and notice mailed to property owners within 300 feet of the project site on December 28, 1999
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.

5. The Use Permit to allow the legalization of 567 square feet of living space on the ground floor of a single-family residence resulting in a floor area of 3,187 square feet (.61 FAR), where 2,881 square feet (.55 FAR) is allowed at 3831 Colby Way will be injurious and detrimental to properties and improvements in the neighborhood and to the general welfare of the City because the chronic history of the use of part of the ground floor as an illegal second unit, the incompatibility with surrounding residential densities, and non-compliance with the Architectural Review Committee's recommendations.

6. The general appearance of the residential addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the style of architecture is similar to other homes in the neighborhood.

7. The proposed addition will not unreasonably restrict or interfere with light and air or hinder or discourage the appropriate development and use of land and buildings on this property and other properties in the neighborhood because the proposal is located within the building envelope of an existing structure.

8. The proposal is not consistent with the scale of the single-family neighborhood and will impair the value of the surrounding properties because of the chronic history of illegal second unit on the ground floor and the impact to on-parking supply on Colby Way.

9. The construction of the addition to the existing residence is not consistent with the San Bruno General Plan, which designates the property for low-density residential purposes, because the two units on the property are greater than the allowable density for this area.

10. The off-street parking will not be adequate for the residence because the existing garage is not used for the storage of two motor vehicles, there is limited on-street parking on Colby Way, and the increased parking demand created by the additional illegal residential unit on the property.

(C. Birt advised of the seven day appeal period).

**8. 101 Riverside Drive (Tape File 397-A, B)
Request for a Use Permit to allow the construction of a 552 square foot, two-story addition to the rear of an existing single family home resulting in a Floor Area Ratio (FAR) of .59, where .55 is allowed and a gross Floor Area of 2,855 square feet , excluding the garage, with a two-car garage; per Sections 12.200.030.B.2 12.200.050.B, and 12.200.080.A.3 of the San Bruno zoning Ordinance. Use Permit 99-44 (Public Hearing) Environmental Determination: Categorical Exemption Zoning: Single-Family Residential (R-1)**

C. Marshall excused himself from this item due to a business relationship with the architect.

Mr. Boloyan entered staff report dated January 18, 2000 into the record. A digital photo presentation was provided.

The public hearing opened. Pamela Abbott, property owner/applicant, was present. C. Tobin

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asked about the stairway. Mr. Abbott explained the stairway would remain oriented as it exists which is different than what is shown on the plans.

The hearing closed without objection.

M/S Sammut, Tobin that the San Bruno Planning Commission approve Use Permit 99-44 pursuant to the following finding of facts and conditions; passed by the following vote:

AYES: C. Sammut, Tobin, Schindler, Petersen, Birt

NOES: None

ABSTAIN: C. Marshall

ABSENT: C. Johnson

FINDINGS FOR APPROVAL

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, January 1, 2000, and notice mailed to property owners within 300 feet of the project site on December 28, 1999.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The Use Permit to allow the construction of a 552 square foot, two-story addition in the rear of an existing single-family home resulting in a floor area ratio (FAR) of .59, where .55 is allowed, and a gross floor area of 2,855 square feet, excluding the garage, with a two-car garage at 101 Riverside Drive will not be injurious or detrimental to properties and improvements in the neighborhood or to the general welfare of the city because the addition complies with most of the requirements of the San Bruno Zoning Ordinance, is compatible with surrounding residential densities, and is within the allowable development thresholds established by the Planning Commission.
5. The general appearance of the residential addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the style of architecture is similar to other homes in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the addition to the existing residence is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking should be adequate for the residence because of an ample driveway apron and available on-street parking spaces on both Sneath Lane and Riverside

Drive.

9. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing private facility.

CONDITIONS FOR APPROVAL

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the "Summary of Hearing" to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 99-44 shall not be valid for any purpose. The Use Permit shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The applicant shall obtain a City of San Bruno building permit before construction can proceed.
3. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
4. The Use Permit to allow the construction of a 552 square foot, two-story addition in the rear of an existing single-family home resulting in a floor area ratio (FAR) of .59, where .55 is allowed, and a gross floor area of 2,855 square feet, excluding the garage, with a two-car garage at 101 Riverside Drive shall be built according to the plans approved by the Planning Commission on January 18, 2000 labeled Exhibit "B", except as required to be modified by these conditions of approval. Any modification to the approved plans shall require prior review and approval by the Director of Planning and Building.
5. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
6. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for revocation of this permit.
7. The addition shall be painted to match the existing building.
8. All drainage from the roof drains shall be directed to the City storm drain or retained on the property
9. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
10. Sliding doors and windows which are accessible from the ground (or on a balcony) must have lift out resisting hardware and secondary locks.
11. Materials and debris shall not be stockpiled within the City right-of-way.

12. Obtain an encroachment permit and pay all applicable fees for work done in the City right-of-way.

13. Install a sanitary sewer cleanout per City standard.

(C. Birt advised of the seven day appeal period).

(C. Marshall returned to the podium).

**9. College Heights Subdivision (Tape file 397-B, 398-A)
Request for a Use Permit to allow alterations to the approved house design prototypes for Phase III of College Heights Subdivision resulting in homes which exceed the maximum allowable Floor Area; per Sections 12.200.030.A.1 of the San Bruno Zoning Ordinance. Use Permit 99-45 (Public Hearing) Environmental Determination: EIR Completed Zoning: Single-Family Residential (R-1)**

Mr. Boloyan entered staff report dated January 18, 2000 into the record. A digital photo presentation was provided. Colored elevations and a sample material board were also displayed.

C. Petersen asked if there could be a condition of approval whereby homeowners would be prohibited from converting the storage areas under the homes to habitable space. C. Sammut stated this might be a reasonable request if an individual homeowner were the applicant. However, he feels it would put an onerous burden on a homeowner who buys the property from the developer and there could also be enforcement problems. C. Birt asked about including it in the CC&Rs. Mr. Foscardo stated since these are single family lots, there would not be CC&Rs but more of a maintenance agreement for the common areas. Once the developer has completed construction, it would be incumbent upon the city to act on any violations.

The public hearing opened. Chris Craiker, project architect, was present. Mr. Craiker stated this phase would consist of three different plans due to the terrain. The project was originally approved in 1998 prior to the adoption of Ordinance 1520 which provided guidelines for larger lots. This floor areas for this project are well within the parameters of other homes in the area. The original plans were four bedroom houses of about 2,500 sq. ft. including the garage. Research has shown new buyers have small families and they want activity rooms. Most of these sites have large underfloor areas with the footprint similar to what it was when originally approved with less lot coverage but more square footage. Having a hip roof eliminates some of the height. Regarding the conditions of approval, they would like to have some flexibility where they can meet with staff to make changes. They are still working with staff on the landscape plans.

C. Schindler pointed out some homes might be purchased before they are completed and prospective buyers might want light and air in those storage areas. C. Marshall stated the media room appears to be a small bedroom without a door. Mr. Craiker responded the intent is to create activity areas. C. Petersen asked when the fence would be installed on top of the retaining wall. Mr. Craiker responded this would be done when construction is started.

David Bowers, project developer, said the intention is to install the fence as construction

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proceeds. Certain areas already have a six foot metal chainlink fence at the top of the retaining wall. There will be a four foot black fabric fence the entire length and the entire construction site will be fenced. Some homes in Phase I have a 200 sq. ft. storage area and there is no intention to have these areas converted to habitable space. Some areas will contain the furnace and water heater. The original plans were for four bedroom homes and the size of the homes are the same as originally proposed with the difference being small unused areas in the back. They will continue to build three bedroom homes and if someone wants to convert the activity areas, they can.

Henry Crosby, Goodwin Drive, stated lots 9 and 10 were suppose to be downhill lots and asked about the plans for those. Unusable space is at the end of the project and asked whether this has been dedicated to the city.

Bob Jovovich, Goodwin Drive, the original project had a variance for that street since the street is extra small and the upscale of these houses is going to "stick out like a sore thumb". The street is now separating the sidewalk from the curb and the tarmac from the concrete about 12 houses down from his house. The hill at 331 Goodwin is full of water and with the extra weight of these houses the hill is dangerous since the hill is primarily sand. Even though these are three and four bedroom homes, the surrounding residents can't find anyplace to park now.

Theresa Beier, Goodwin Drive, the plans scale out above 12 feet in height. There are sinkholes in front of 181 and 191 Goodwin Drive. Curb and sidewalk are cracking, a lamp post is tilting toward the street; and the blacktop is sinking also. This all occurs above the 30 foot retaining wall. She has previously advised the city of these problems and repairs still have not been made. The additional square footage will now require the developer to dig into the hillside. There is no geotechnical information available. A report was available on the development at the bottom of Longview and this report clearly states the analysis does not include any retaining wall and mentions the drainage for these retaining walls was blocked. Questioned how the city could allow them to build on top of a 30 foot retaining wall. The Commission should request someone produce the original soils report prior to allowing the developer to build on top of these walls.

Ray Moser, College Drive, stated the decks at the rear of the homes look down into homes and this could be a privacy issue and asked they be eliminated or have lattice work to obscure these views.

Scott Rutherford, Goodwin Drive, he and his wife have been looking at new homes and there were multi families also looking. They noticed many cars parked in front. Feels these homes will be turned into multi family units.

The hearing closed without objection.

Responding to some of the concerns, Mr. Foscardo stated there were two homes in Phase 2 that were reduced to the 12' height limit. San Bruno does not allow second units in single family homes. Ms. Beier received many documents regarding the soils conditions. Also, the engineer is aware of the roadway sinking in a couple of places but has not found any problems; however, they will make sure the light fixture is repaired. The only common space and easements are along College Drive which consist of a 10 foot section that the college owns. The dedication to

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the city is along College Drive and is flat and part of the development. Mr. Boloyan said staff did not feel the decks would be a problem since the homes on College Drive are across the roadway and hill.

Mr. Craiker added that lots 9 and 10 were previously approved and the square footage is within the limitation of those lots. The building height is 12 feet measured from the top of the roof ridge to the sidewalk. The retaining walls will be owned by the homeowner that backs up to it. There will not be a homeowner's association, however, the homeowners will be required to make a monthly contribution towards a maintenance agreement wherein a company will be hired to maintain the green areas, ditches, etc. Mr. Bowers stated that most of the hillside was excavated, the walls put in place and then fill was placed in layers. As far as parking, most of the cars on Longview belong to the construction crew. The development will have three car garages and a parking apron. They have looked at the sink holes and do not see any manifestation of what is going on in the street is from the hillside. They are working with the Public Works Department and there may be a leak in the city water lines in that street.

(Recess called at 8:55 P.M., meeting reconvened at 9:05 P.M.).

C. Petersen said the applicant has been cooperative in listening to the concerns of the Architectural Review Committee also the retaining walls withstood the Loma Prieta earthquake. The height of the homes will not be more than 12 feet above the sidewalk.

C. Marshall asked about maintaining the retaining walls. Mr. Foscardo pointed out an assumption agreement was prepared at the start of this project so this should be covered in that agreement. Concerns regarding drainage, light poles, and streets will be relayed to the Public Works Department and Building Official.

C. Sammut requested condition 11 be revised to reflect what is written in the city code and condition 16 requiring the developer to have regular maintenance during construction.

M/S Petersen, Schindler that the San Bruno Planning Commission approve Use Permit 99-45 pursuant to the following findings of fact and conditions; passed by the following vote:

AYES: C. Petersen, Schindler, Sammut, Marshall, Tobin, Birt
NOES: None ABSENT: C. Johnson

FINDINGS FOR APPROVAL

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, January 1, 2000, and notice mailed to property owners within 300 feet of the project site on December 28, 1999.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.

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4. An Environmental Impact Report (SCH #87042817) was prepared for this project and adopted by the San Bruno City Council in January 1988, per the California Environmental Quality Act (CEQA) Guidelines.
5. The proposal will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use because the proposed single-family use is consistent with the surrounding single-family homes, there is ample parking through a two-car garage and two-car driveway apron, and the design minimizes any aesthetic or view impacts for the properties on the west side of Goodwin Drive.
6. The twenty new single-family homes which exceed the maximum allowable floor area will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city because the proposal is in keeping with the general floor area of a typical single-family homes in the area and the design has an approximate footprint within the parameters of those originally approved.
7. The proposal for these twenty new single-family homes is consistent with the San Bruno General Plan, which designates this area for low-density residential purposes.

CONDITIONS FOR APPROVAL

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the "Summary of Hearing" to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 99-45 shall not be valid for any purpose. Use Permit 99-45 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The Use Permit to allow alterations to the approved house design prototypes for Phase III of College Heights subdivision resulting in homes which exceed the maximum allowable Floor Area shall be built according to plans approved by the Planning Commission on January 18, 2000, labeled Exhibit "B", "D", and "F", except as required to be modified by these Conditions of Approval. Minor changes and alternative floor plans from those approved by the Planning Commission on particular lots may be allowed, if such change **does not increase** the FAR proposed in this application. Any modification to the approved plans shall require prior approval by the Director of Planning and Building.
3. The applicant shall obtain a City of San Bruno building permit before construction can proceed.
4. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
5. The applicant shall submit a lot by lot landscaping plan to the City Planning Department for review. The Developer has agreed to post a bond in the amount of \$25,000, enough for five homes, in order to complete a thorough landscaping analysis and plan after the completion of the homes.

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6. The landscaping plans shall include drip irrigation, street trees, vines on the fence above the crib wall, free flowing hedgerow above said fence and screening trees where appropriate.
7. Sufficient variation to the building facades shall be provided such that no two adjacent houses would be identical.
8. Applicant shall confer with the Cable Television office for cable installation requirements.
9. **Prior to issuance of building permits**, the applicant shall confer with the Planning Department for the remaining payment of park in lieu fees which shall be aid upon project completion based upon the formula identified in the San Bruno Municipal Code.
10. The applicant shall comply with all previous conditions of approval that have been various approvals of this project.
11. Construction activity, as defined in Section 6.16.070 of the San Bruno Municipal Code, shall be limited to between 8:00 a.m. And 5:00 p.m., Monday through Friday. All construction equipment used on the property shall be muffled where possible.
12. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
13. Sliding doors and windows which are accessible from the ground (or on a balcony) must have lift out resisting hardware and secondary locks
14. Self-closing and self-latching fences shall be installed at the front of the homes in order to prevent access to the lower rear yard.
15. Property owners shall comply with the requirements of the San Bruno Recycling Ordinance.
16. During construction, the developer shall conduct regular maintenance of the sites in order to maintain the premises and remove accumulation of litter and debris.

(C. Birt advised of the seven day appeal period).

10. Specific Plan Study Session (Tape file 398-A)

Environmental Determination: Environmental Impact Report. Zoning: Administrative Research (A-R), Neighborhood Commercial (C-N), High Density Residential (R-4), Open Space (O) - Public Comment

Mr. Padovan presented an oral update indicating the Committee had met and discussed a letter from San Mateo County regarding having a homeless shelter on this site. The February meeting will center on discussing various land uses. C. Birt asked about setting a date to visit the site. Mr. Foscardo responded the process is going to take much longer than envisioned. The Navy is reducing their work force and moving faster than what GSA is willing to do.

11. City Staff Discussion

Mr. Foscardo announced the Planners Institute Conference would be held in Monterey from March 1-3, 2000. The Architectural Review Committee will meet on February 10, 2000 with C. Petersen, Tobin, and Sammut. An update of the current major code enforcement cases was provided to the Commission for information.

12. Planning Commission Discussion

C. Birt welcomed newly appointed Commissioner, Mark Tobin.

13. Adjournment

The meeting adjourned at 9:25 P.M. by motion made and passed unanimously.

Respectfully submitted,

George D. Foscardo
Planning Commission Secretary

Janet Aki, Recording Secretary